

REMARKS

Claims 37-41 and 44-46 are currently pending for the Examiner's consideration. Applicants request entry of the following remarks.

Election/Restriction requirement

The restriction requirement between the group of claims 37-46 and the group of claims 47-53 was maintained and made final by the Examiner on page 2-4 of the Office Action. Applicants herein cancel claims 47-53. Claims 37-41 and claims 44-46 have been amended to delete the non-elected subject matter. Applicants therefore believe that the application now fully complies with the election/restriction requirement.

Claim objections

Claims 37-41 and 44-46 were objected to as containing non-elected subject matter as set forth on page 6 of the Office Action. Claims 37 has been amended to delete the non-elected subject matter. Claims 38-41 and 44-45 depend from claim 37. Claim 46 claims a pharmaceutical composition comprising the compound of claim 37. Therefore all non-elected subject matter in claims 37-41 and 44-46 has been deleted. Applicants thus believe that the objection no longer applies and request it be withdrawn.

Double patenting rejection

Claims 37-41 and 44-46 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 4, 6 and 8 of Moon et al. United States patent No. 6,451,838 for the reasons set forth on pages 7-9 of the Office Action. Without acquiescing to the merits of the rejection, in order to expedite prosecution and reduce issues for appeal, a terminal disclaimer over US 6,451,838 is submitted concurrently herewith. Applicants request the rejection be withdrawn.

Claims 37-41 and 44-46 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, and 5-9 of Moon et al. United States patent No. 6,710,067 for the reasons set forth on pages 9-10 of the Office Action. Without acquiescing to the merits of the rejection, in order to expedite prosecution and reduce issues for appeal, a terminal disclaimer over US 6,710,067 is submitted concurrently herewith. Applicants request the rejection be withdrawn.

Claims 37-41 and 44-46 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 28-30 of Moon et al. United States patent application No. 10/429,895 for the reasons set forth on pages 10-12 of the Office Action. Without acquiescing to the merits of the rejection, in order to expedite prosecution and reduce issues for appeal, a terminal

disclaimer over US 10/429,895 is submitted concurrently herewith. Applicants request the rejection be withdrawn.

Claims 37-41 and 44-46 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 60-62, 65, 66, 74-78 and 97-99 of Moon et al. United States patent application No.10/774,415 for the reasons set forth on pages 10-12 of the Office Action. Without acquiescing to the merits of the rejection, in order to expedite prosecution and reduce issues for appeal, a terminal disclaimer over US 10/774,415 is submitted concurrently herewith. Applicants request the rejection be withdrawn.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

If any fee is required for the filing of this response, including extensions of time for which Applicants hereby petition, please charge all such required fees to Deposit Account No. 500329.

Respectfully submitted,

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